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## **Calvinist Absolutism: Archbishop James Ussher and Royal Power**

Since the publication of Michael Walzer's Revolution of the Saints and Quentin Skinner's influential revision of Walzer's arguments, historians of Britain and Ireland have most often conjoined Calvinism (or Reformed Orthodoxy) with the political theories of limited monarchy, resistance, and revolution.<sup>1</sup> Walzer argued that the theory of revolution espoused by mid-seventeenth-century Puritans arose out of a distinctively Reformed theology; Skinner preferred to trace Calvinist revolutionary theory to late medieval scholasticism. But whatever its sources, both agreed (in the manner of Max Weber or Ernst Troeltsch) that this radical Calvinist theory played a vital role in the emergence of European modernity, in the form either of a new individualism and affinity for revolution or a new secular and impersonal theory of the state.<sup>2</sup> John Coffey's study of the Scottish Covenanter Samuel Rutherford steered a middle course between Skinner and Walzer, acknowledging Rutherford's medieval

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<sup>1</sup> For "Calvinism" see Christoph Strohm, "Methodology in Discussion of 'Calvin and Calvinism,'" in Calvinus Praeceptor Ecclesiae, ed. Herman Selderhuis (Geneva, 2004), 65-106.

<sup>2</sup> Michael Walzer, The Revolution of the Saints: A Study in the Origins of Radical Politics (Cambridge, MA, 1965); Quentin Skinner, The Foundations of Modern Political Thought 2 vols. (Cambridge, 1978), 2: 190-348, 349-58; Ernst Troeltsch, Protestantism and Progress: The Significance of Protestantism for the Rise of the Modern World (London, 1912); Mark Goldie, "The Context of The Foundations," in Rethinking the Foundations of Modern Political Thought, ed. Annabel Brett and James Tully (Cambridge, 2006), 3-19.

debts while insisting on the transformative capacity of radical Calvinism.<sup>3</sup> A leading German scholar of Calvinist political thought, Christoph Strohm, has explained the practical element to this Reformed anti-absolutism: the German emperor was a Catholic, and so imperial absolutism posed an existential threat to Germany's Calvinist theologians, whose influence extended across Europe.<sup>4</sup> But Calvinists were not inevitably committed to non-absolutist politics: Heinz Schilling and Bodo Nischan pointed out alliances between Calvinism and absolutism in the county of Lippe and the electorate of Brandenburg.<sup>5</sup> To the distinguished Calvinist absolutists noticed by Schilling and Nischan, this article will add Archbishop James Ussher of Armagh, primate of all Ireland between 1625 and his death in 1656.

Due to the character of the division between revisionist and post-revisionist British scholarship on the English Civil War, a study of the nature and development of Ussher's political thought will enrich our knowledge of both Calvinism and absolutism in Britain and Ireland. Peter Lake and Johann Sommerville have usefully defined an absolutist political

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<sup>3</sup> John Coffey, Politics, Religion and the British Revolutions: The Mind of Samuel Rutherford (Cambridge, 1997), 142, 152-3, 181-3.

<sup>4</sup> Christoph Strohm, Calvinismus und Recht: Weltanschaulich-konfessionelle Aspekte im Werk reformierter Juristen in der Frühen Neuzeit (Tübingen, 2008), 231-245, 396-406, especially 405.

<sup>5</sup> Heinz Schilling, "Between the Territorial State and Urban Liberty: Lutheranism and Calvinism in the County of Lippe," in The German People and the Reformation, ed. R. Po-Chia Hsia (Ithaca, NY, 1988), 263-83, at 267; Bodo Nischan, "Calvinism, the Thirty Years' War, and the Beginning of Absolutism in Brandenburg: The Political Thought of John Bergius," and "Confessionalism and Absolutism: The Case of Brandenburg," in idem, Lutherans and Calvinists in the Age of Confessionalism (Aldershot, 1999), items IX and X.

theory as one in which the ruler's power was granted directly by God, whether or not the ruler had been designated by the people. While the ruler might chose to respect human laws and chose to take counsel, he or she was free to override those laws (common law or civil law, criminal law or the law of property) or that counsel whenever he or she judged it necessary. Although the ruler was thus free (independent or absolute) from all human law, he or she remained bound by natural law; only God could punish breaches of this natural law. If an absolute monarch began to act tyrannically, that monarch's subjects had just recourse only to prayers and tears.<sup>6</sup> Whiggish accounts of the English Civil War as an episode in the unfolding of English freedom had argued that Stuart absolutist theory was a significant cause of war; revisionist historians led by Conrad Russell denied this.<sup>7</sup> Glenn Burgess reinforced Russell's argument that there were almost no absolutists in England before the civil war.<sup>8</sup> Revisionist scholarship tended to shift emphasis from constitutional to religious causes of war: indeed John Morrill argued convincingly that it was a religious war in that religion drove militant minorities to fight, and drove the moderate majority to make reluctant choices.<sup>9</sup>

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<sup>6</sup> Peter Lake, Anglicans and Puritans? Presbyterianism and English Conformist Thought from Whitgift to Hooker (London, 1988), 7; Johann Sommerville, Royalists & Patriots: Politics and Ideology in England 1603-1640 (2<sup>nd</sup> edn, London, 1999), 9-54, 234-5.

<sup>7</sup> Nicholas Tyacke, "Introduction," in The English Revolution c. 1590-1720, ed. idem (Manchester, 2007), 1-26; Conrad Russell, The Causes of the English Civil War (Oxford, 1990), 131-2, 149-50, 151-2.

<sup>8</sup> Glenn Burgess, Absolute Monarchy and the Stuart Constitution (New Haven, 1996), 210-11.

<sup>9</sup> John Morrill, The Nature of the English Revolution (London, 1993), 36-7, 43-4.

Absolutist political theory was certainly not a cause of war in itself; but revisionist arguments on the non-existence of British and Irish absolutists went too far. Russell, Burgess, and Perez Zagorin all pointed out that although many theorists stated that the king was free from human laws, few before 1642 went on to argue openly that the king should make law without parliament. This was true; but Russell and Burgess then wrote that as only the latter were truly absolutists, absolutism was an ideology of no importance in the Stuart kingdoms before 1642.<sup>10</sup> Sommerville has comprehensively refuted this argument, on the basis that many contemporaries identified a lack of royal limitation by human law as intolerable, arbitrary, and absolute, and on a practical level were thus deeply alarmed by the thought that Charles I should, for example, be able to impose customs duties at will.<sup>11</sup> Sommerville's position on the reality of English absolutism has been reinforced by Cesare Cuttica's study of Sir Robert Filmer, which contextualized Filmer's absolutist political theory amid discourses of limited monarchy in Kent in the 1620s.<sup>12</sup> According to the revisionists these theorists of limited monarchy or just resistance were also non-existent in England before the civil war. This claim has been undermined by Sommerville and Cuttica, by Richard Cust's research into discourses of patriotism among those who opposed the royal court, by Skinner's emphasis on

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<sup>10</sup> Russell, Causes, 150; Burgess, Absolute Monarchy, 43; idem, Perez Zagorin, A History of Political Thought in the English Revolution (Bristol, 1997), 189-90.

<sup>11</sup> Sommerville, Royalists & Patriots, 228-50; idem, "Ideology, Property, and the Constitution," in Conflict in Early Stuart England, ed. Richard Cust and Ann Hughes (London, 1989), 47-71; Derek Hirst, "The Place of Principle," Past & Present 92, (August, 1981), 79-99.

<sup>12</sup> Cesare Cuttica, Sir Robert Filmer (1588-1653) and the Patriotic Monarch (Manchester, 2012).

the potentially explosive consequence of the fact that all university men were educated in a classical tradition which equated merely the potential of coercion (perhaps by the royal prerogative) with slavery, and by Janelle Greenberg who identified an early Stuart discourse of limited monarchy gathered around medieval texts like the Modus tenendi Parliamentum, the Mirror of Justices, and the so-called laws of St Edward the Confessor.<sup>13</sup> It should also be noted that during the 1610s Sir John Davies had defended the supremacy of law made by judges in the king's interest over law made in parliament, while in the 1630s absolutists like John Cusacke, Sir Robert Filmer, and Archbishop Ussher tended to redefine parliament so that it would be incapable of any action other than swift obedience.<sup>14</sup> The fact that, as David Smith has explained, many if not most royalists during and after 1642 could favour some

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<sup>13</sup> Russell, Causes, 131-4; Richard Cust, "'Patriots' and 'Popular' Spirits: Narratives of Conflict in Early Stuart Politics," in English Revolution, ed. Tyacke, 43-61; Quentin Skinner, Visions of Politics: Volume 2 Renaissance Virtues (Cambridge, 2002), 308-343; Janelle Greenberg, The Radical Face of the Ancient Constitution: St Edward's 'Laws' in Early Modern Political Thought (Cambridge, 2001).

<sup>14</sup> Hans Pawlisch, Sir John Davies and the Conquest of Ireland: A Study in Legal Imperialism (Cambridge, 1985), 34-5; Linda Levy Peck, "Beyond the Pale: John Cusacke and the Language of Absolutism in Early Stuart Britain," Historical Journal 41, no. 1 (March 1998), 121-149; Sir Robert Filmer, Patriarcha and Other Writings, ed. J. P. Sommerville (Cambridge, 1991), 52, 55-7; James Ussher, The Power Communicated by God to the Prince and the Obedience Required of the Subject, ed. Robert Sanderson (London, 1661) [hereafter Ussher, Power], 19-28.

subtle limitation of the king's powers by human law is further testimony to the real distinction between absolute and limited monarchy.<sup>15</sup>

Accepting the religious character of conflict in the Three Kingdoms in the late 1630s and 1640s, and accepting the importance of militant minorities in forcing moderates to choose sides, an instance of absolutist political theory embedded in the Reformed Orthodox or Calvinist political tradition becomes significant. How did one become a Calvinist Absolutist? What stresses and strains were involved in adhering to this doctrine? What was the character or quality of a specifically Calvinist absolutism? It will be argued below that many of the same anxieties which troubled continental Calvinist intellectuals like David Pareus or Lambert Daneau also troubled Anglophone Calvinists like Ussher. Sommerville's contention that little separated Catholic and Protestant theories of reason and law is incorrect.<sup>16</sup> The Protestant absolutist political discourse which appears, on the basis of currently available evidence, to have been dominant in Dublin's viceregal court from 1633 to Strafford's fall was different in fundamentals to the Jesuit-influenced discourse of the Irish Catholic revolutionaries. The anthropology was different, and the major points of stress and controversy were different: few Irish Catholic intellectuals were worried about the ability of human reason to perceive the natural law, and they did not argue about the inferior magistrate's right of execution.

This article will employ Ussher's manuscript notebooks in conjunction with his printed writings to describe his formation as a Calvinist absolutist, providing both an intellectual context in international Calvinism for his theory of human society, and an account

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<sup>15</sup> David Smith, Constitutional Royalism and the Search for Settlement, c. 1640-1649 (Cambridge, 1994).

<sup>16</sup> Sommerville, Royalists & Patriots, 17-18.

of the development of his theory of royal power from the 1620s to the 1640s. Ussher was not unique in being a Calvinist bishop and absolutist: Sommerville has characterized Thomas Morton, bishop of Durham, in this way, although Morton's theory was not at all as learned or extensive as Ussher's.<sup>17</sup> Following a preliminary characterization of both Ussher's Calvinism and his absolutism, the connections between Ussher's mature absolutism and his ethical and political education at Trinity College Dublin in the 1590s will be examined. The second section of the argument will relate Ussher's absolutism to Calvinist resistance theory and to the revolutionary theory of his Catholic enemies. Finally, although this article chiefly analyzes Ussher's formation as a Calvinist absolutist and the character of his absolutism, a remarkable treatise by one of Wentworth's servants enables an estimate of the relationship between Ussher's Calvinist absolutism and the vice-regal court.

There can be no doubt about the nature of James Ussher's theological commitments. As Jack Cunningham has recently explained, the archbishop consistently emphasized the nothingness of humankind, the fundamental damage done to all human capacities by original sin, and the utter dependence of humans on God's grace for salvation. Ussher carefully defended those vital components of Reformed orthodoxy, supralapsarian determinism and double predestination. Respectively, these doctrines meant that before God created the world he had already declared who would be elect, the minority chosen for salvation; and that God had also declared that a majority would be damned.<sup>18</sup> Ussher hammered at these themes through his long preaching life before two Stuart kings and the nobility and gentry of Ireland

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<sup>17</sup> Ibid, 49; Thomas Morton, A Sermon Preached Before the kings Most Excellent Majestie in the Cathedrall Church of Durham (London, 1639).

<sup>18</sup> Jack Cunningham, James Ussher and John Bramhall: The Theology and Politics of Two Irish Ecclesiastics of the Seventeenth Century (Aldershot, 2007), 42, 47, 52-3, 55.



and England; they are summed up conveniently in a catechism printed in 1644 but composed while he was in his twenties.<sup>19</sup> Even relatively early in his career Ussher was keen to institutionalize this theology. Alan Ford has argued that Ussher was prominent among those who wrote Irish Protestantism's first national confession, the 1615 articles, which committed the Church of Ireland to supralapsarian determinism and double predestination as well as other Calvinist staples like fasting, sabbatarianism, and the identification of the pope as anti-Christ.<sup>20</sup> Ussher was not unique as a determined Calvinist among the early Stuart episcopate: Hugh Trevor-Roper included George Abbott, archbishop of Canterbury, John Williams, bishop of Lincoln, John Davenant, bishop of Salisbury, and Bishop Morton among that number. But Trevor-Roper also insisted that Ussher was the most distinguished of them all: "the acknowledged leader of all those Jacobean clergy who, in the reign of Charles I, found themselves suddenly excluded, or extruded, from authority."<sup>21</sup>

The doctrinal core of Ussher's absolutism is also unambiguous, although the nature of its publication is more complex. Writing in 1661, Ussher's former chaplain Nicolas Bernard explained that during the summer of 1639, when the Scots under their National Covenant

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<sup>19</sup> James Ussher, The Principles of Christian Religion (London, 1644).

<sup>20</sup> Articles of Religion agreed upon by the Archbishops and Bishops, and the rest of the Cleargie of Ireland in the Convocation Holden at Dublin in the Yeare of our Lord God 1615 (Dublin, 1615); Alan Ford, James Ussher: Theology, History, and Politics in early modern Ireland and England (Oxford, 2007), 85-99.

<sup>21</sup> Hugh Trevor-Roper, Catholics, Anglicans and Puritans (London, 1987), 50-1, 150, 164, 253. For Ussher's association with lay Calvinist episcopalians like Francis Russell, earl of Bedford, in 1640-41, see Conrad Russell, The Fall of the British Monarchies 1637-1642 (Oxford, 1991), 238-40, 249.

were successfully resisting King Charles I's religious innovations, he was contacted by Sir George Radcliffe, privy counselor and legal expert to the lord deputy. Radcliffe requested that Ussher, then in his diocese, provide a statement on the injustice of Scottish resistance; this was about the same time that the Irish privy council moved most of the army to the north-east and commanded all adult Scots in Ulster to swear an oath abjuring the Covenant.<sup>22</sup> It was presumably at this time also that Radcliffe sent Ussher his own treatise on royal power "Of the originall of Government."<sup>23</sup> In any case, the archbishop complied with Radcliffe's request immediately. Later that year or early in 1640 when Ussher came to Dublin, he was asked by Wentworth (created earl of Strafford in January 1640) to preach in Christchurch cathedral on the same subject. Ussher again complied, and gave his two sermons at the opening of the Irish parliament on 16 March 1640.<sup>24</sup> Pleased by their content, Strafford told Ussher that it was his desire and the king's that the sermons be published in some form. It was then that Ussher wrote his most substantial political work, The Power Communicated by God to the

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<sup>22</sup> Aidan Clarke, "The Government of Wentworth, 1632-40," in A New History of Ireland, vol. 3, Early Modern Ireland 1534-1691, ed. T.W. Moody, F.X. Martin, and F.J. Byrne (Oxford, 1978), 243-269, at 268.

<sup>23</sup> Ford, Ussher, 225; MS F 119, fols. 366<sup>v</sup>, 365<sup>r</sup>, 265<sup>v</sup>, property of Mr Rory McLaggan, Merthyr Mawr House, Bridgend, Mid Glamorgan, Wales. Radcliffe's treatise is reversed; available on microfilm MIC 135, Trinity College Dublin [hereafter TCD]. I have obtained Mr McLaggan's permission shortly to publish this treatise in Irish Historical Studies.

<sup>24</sup> Strafford was initially absent, see The Journals of the House of Commons of the Kingdom of Ireland ... Volume I (Dublin, 1796), 61-2, 133-7; Nicholas Bernard, The Life & Death of the Most Reverend and Learned Father of our Church, Dr James Ussher (Dublin, 1656), 104.

Prince, bringing it with him to England in May 1640 for presentation to the king.<sup>25</sup> The book then disappeared perhaps because both Ussher and the king's other servants felt that the archbishop would be more use to the king's cause by presenting himself in public as a Calvinist episcopalian rather than as a Calvinist absolutist.<sup>26</sup> At the Restoration, Ussher's grandson, Sir James Tyrrell, brought a text to Robert Sanderson, bishop of Lincoln, who saw to its publication.<sup>27</sup>

Reviewing all this, one might suspect that Ussher adopted the theory of absolute monarchy only under pressure from the king and his servants. Bernard was anxious to dispel such suspicions. He insisted that Ussher had preached the same political doctrine for many years, not only annually on the day of the king's inauguration, but also at the openings of the Irish parliaments of 1634 and 1640, at Dublin Castle in 1622, before Lord Deputy Henry Carey, viscount Falkland, at Dublin Castle in 1627, on the king's birthday in 1630, and then later in England during the civil war.<sup>28</sup> Several of these sermons survive, and confirm

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<sup>25</sup> Nicholas Bernard, Clavi Trabales (London, 1661), 47-8.

<sup>26</sup> Cunningham, James Ussher and John Bramhall, 112-3; Kevin Sharpe, The Personal Rule of Charles I (London, 1995), 935; Ford, Ussher, 230, 235-40. There is no space here for a treatment of Ussher's ecclesiology and the matter of royal power over the church, but note that Ussher did not believe bishops possessed a ius divinum, see Ford, Ussher, 46-7, 208-9, 235-60.

<sup>27</sup> Ussher, Power, sigs. A1<sup>r</sup>-E2<sup>v</sup>; Ford, Ussher, pp. 224-5.

<sup>28</sup> Bernard, Clavi Trabales, 48-9. For the 22 November 1622 and April 1627 sermons, see Bernard, Clavi Trabales, 1-35 [recte 46]. For a sermon on Romans 13:4, 'For he beareth not the sword in vain' at Falkland's inauguration, September 1622, see MS Rawlinson, C. 919, p. 583, Bodleian Library, Oxford [hereafter Bodl.]

Bernard's claims. In particular, Ussher's sermon delivered on 14 July 1634, the first day of Wentworth's first Irish parliament, anticipated The Power Communicated by God to the Prince, including the crucial argument that royal power must be 'uncontrollable power' or no government was possible.<sup>29</sup> Another sermon given at Oxford on 3 March 1643 summarized Ussher's (yet unprinted) book on royal authority.<sup>30</sup> Certainly by early 1640 Ussher was arguing that God had ordained that the king's power should be free of the control of human laws and parliaments; this absolute monarchy was the best form of government, and the Stuart kings ruled as just such absolute monarchs. Even monarchs who commanded devil-worship, Ussher insisted, were to be honored and could not be actively resisted. Such resistance would earn eternal damnation.<sup>31</sup> Moreover, the Stuarts' hereditary right was indefeasible: succession to monarchy was regulated by the law of primogeniture and could never be forfeited.<sup>32</sup> Neither Cunningham nor Ford hesitated to label Ussher's theory of government absolutist.<sup>33</sup> Ussher's absolutist political theory, conveniently cloaked in 1640, was not merely a response to royal pressure: it developed gradually and its roots must be sought earlier in his intellectual development.

### **Ussher's Calvinist Education in Ethics and Politics**

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<sup>29</sup> MS Rawlinson D 1290, fols. 73<sup>v</sup>-78<sup>r</sup>, at 76<sup>v</sup>, Bodl; cf Ford, Ussher, 224-5.

<sup>30</sup> James Ussher, The Soveraignes Power, and the Subiects Duty: Delivered in a Sermon, at Christ-Church in Oxford, March 3. 1643 (Oxford, 1643); idem, The Rights of Primogeniture: or, the Excellency of Royall Authority (London, 1648).

<sup>31</sup> Ussher, Power, 1-3, 24-8, 54-5, 60, 71, 135, 145-6, 150-3.

<sup>32</sup> Ussher, Power, 10-11; idem, The Rights of Primogeniture, passim.

<sup>33</sup> Cunningham, James Ussher and John Bramhall, 119-128; Ford, Ussher, 225-6, 261, 270.

In Trinity College Dublin during the 1590s James Ussher was taught an Aristotelian theory of human society and government. Ussher completed his four year B.A. probably in 1598 and his two-year M.A. by 1600.<sup>34</sup> From Ussher's student notebooks, it seems probable that his study in the 1590s followed that later prescribed in the Trinity statutes of 1615 and 1628, in which Aristotle's Nicomachean Ethics were assigned for the B.A. and Aristotle's Politics for the M.A.<sup>35</sup> One of these notebooks contains a study scheme for the Ethics, starting in December with book two and finishing the following September with book ten. The same notebook contains a diagram outlining the Politics.<sup>36</sup> Another notebook contains notes on a complete course of Aristotelian ethics, starting with diagrams outlining the Nicomachean Ethics and Cicero's De Officiis (On Duties).<sup>37</sup>

The theory of human society contained in the Ethics and Politics can be outlined briefly. Humans, Aristotle argued, should during the course of their lives, aim at eudaimonia, happiness or flourishing.<sup>38</sup> Because humans were distinguished from animals by logos (one word meaning both reason and speech), and each creature should strive to satisfy what was best in it, humans would reach that state of eudaimonia when they used their reason excellently, virtuously, to the utmost.<sup>39</sup> It was in political life (rather than say, domestic life)

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<sup>34</sup> Ford, Ussher, 32.

<sup>35</sup> Elizabethanne Boran, "Libraries and Learning: The Early History of Trinity College, Dublin from 1592-1641" PhD diss., University of Dublin, 1995, 188.

<sup>36</sup> MS 782, fols. 9<sup>v</sup>, 16<sup>r</sup>, TCD.

<sup>37</sup> MS 778, fols. 136<sup>r</sup>-210<sup>f</sup>, TCD.

<sup>38</sup> Aristotle, Nicomachean Ethics, 1097b-1098a.

<sup>39</sup> Ibid., 1177a, 1178a-1179a.

that humans use their reason to the utmost, governing each in turn and reasoning with one another, and so political life was both natural to humans and the best life for humans.<sup>40</sup> In a moment of suggestive exaggeration, the radical absolutist Thomas Hobbes labelled such Aristotelian eudaimonic theories, which tended to conflate a lack of self-directing political life with slavery, an important cause of civil war.<sup>41</sup>

Ussher's student notebooks provide ample evidence of his comprehension of this eudaimonic politics. One notebook contains a Latin oration in praise of Aristotle dated March 1598. In it Ussher claimed that the doctrine of living well, developed by Plato and others, found its finest expression in Aristotle's works, and that the essence of human happiness (felicitas in Latin) lay in the exercise of virtue or human excellence.<sup>42</sup> Another notebook built up during the ethics course contained a treatment of the rival Aristotelian ends of political life and contemplation, and also definitions of key ethical terms, including eudaimonia.<sup>43</sup> Finally, Ussher argued publically that Aristotle and Cicero shared the same eudaimonic politics. In another of his Latin student orations Ussher, paraphrasing De Officiis 1.50, explained that Cicero held that reason and eloquence (ratio et oratio) were humankind's highest distinctions and the principal bonds of human society. By speaking, communicating, and disputing, humans used reason and eloquence to join in a society truly natural.<sup>44</sup>

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<sup>40</sup> Aristotle, Politics, 1252b-1253a, 1259a, 1279a.

<sup>41</sup> Thomas Hobbes, Leviathan (London, 1651), part 2, chap. 21, pp. 110-111; Skinner, Visions of Politics, 308.

<sup>42</sup> MS 786, fols. 85<sup>r</sup>-86<sup>r</sup>, TCD.

<sup>43</sup> MS 778, fol. 140<sup>r</sup>, TCD.

<sup>44</sup> MS 790, fols. 3<sup>r</sup>-4<sup>v</sup>, TCD.

Ussher was also familiar with ways of integrating this eudaimonic politics into a theory of Christian government. No Christian could allow that humankind's ultimate end was flourishing in this world; rather the ultimate end was God. Thomas Aquinas and other theologians had distinguished between a this-worldly felicitas, which humans might achieve through their own efforts in roughly the way that Aristotle had described, and a next-worldly beatitudo (blessedness) which lay in God's gift alone. Aquinas also developed a distinctive theory of the laws which governed relationships both within and between human societies. The eternal law was God's reason as it directed things to their ends. Humans, because rational, could direct their own actions to good ends; this human participation in the eternal law was natural law. All humans thus perceived that natural law enjoined self-preservation (forbidding murder), the preservation of the species (forbidding the disruption of family life), knowing God and living in political society (forbidding things harmful to the commonwealth); any human act or positive law which contravened natural law would be wrong and void.<sup>45</sup> The young Ussher listed Aquinas as a key authority in ethics, and later in life Ussher drew freely from Aquinas.<sup>46</sup> Moreover, Ussher maintained a keen interest in the writings of Richard Hooker, an Elizabethan Protestant conformist and determined enemy of Calvinism (at least with regard to ecclesiology). Ussher had acquired the manuscript of books

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<sup>45</sup> John Finnis, Aquinas: Moral, Political, and Legal Theory (Oxford, 1998), 222-254. For eternal law, see Thomas Aquinas, Summa Theologiae, ed. Thomas Gilby (London and New York, 1964-1981), Ia IIae, q. 91, a. 1; q. 93, a. 1. For natural law, see *ibid.*, q. 91, a. 2.; q. 93, a. 5. For human positive law, see *ibid.*, q. 90, a. 2; q. 96, a. 4.

<sup>46</sup> MS 782, fol. 6, TCD; Ussher, Power, 54-5, 72-3.

six and eight of the Laws of Ecclesiastical Polity and had them printed in 1648.<sup>47</sup> Book one of the Laws, first printed in 1593, explained that all humans sought a triple perfection: the first perfection, to which all animals might attain, lay in securing those material things necessary to life; the third perfection was unity with God. But between those two lay intellectual perfection, proper to rational human nature, and available in the political life which Aristotle had described.<sup>48</sup>

Nevertheless, when one turns to the theory of human society employed in The Power Communicated by God to the Prince, it is clear that the archbishop had left even the Christianized Aristotle of Aquinas and Hooker far behind. God, Ussher wrote, had instituted political power among humans. God told Eve that her husband Adam ‘shall rule over thee’ (Genesis 3:16); and then as families multiplied, God said to Cain in similar terms ‘thou shalt rule over him’ (Genesis 4:7). God thus instituted ‘a principality in one man over divers Families and thereby laid the foundation of political government’.<sup>49</sup> However, even if God had not done this, reason itself would have instructed humans to join their families together into one political society under the government of a superior, in order to escape the ruin that would certainly otherwise ensue. Ussher supported this argument with the words of Rabbi Hananiah from the Abot in the Misnah (a second century A.D. Jewish law code): “Pray for the peace (or prosperity) of the kingdom; for if it were not for fear of Authority every one

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<sup>47</sup> Richard Hooker, Of the Lawes of Ecclesiasticall Politie; the Sixth and Eighth Books (London, 1648), sig. A2<sup>r</sup>-A2<sup>v</sup>.

<sup>48</sup> Richard Hooker, Of the Lawes of Ecclesiasticall Politie (London, [1593]), book 1, section 11, p. 80.

<sup>49</sup> Ussher, Power, 11.



would swallow down quick his neighbour.”<sup>50</sup> This was an explication, thought Ussher, of God’s injunction to the exiled Jews that they should seek the peace of the city in which they were captive, for in its peace they would find their own peace (Jeremiah 29:7).

Ussher thus turned towards a Hebrew political tradition that saw political life as a matter of domination rather than human flourishing; and he joined this with a purposeful misreading of Aristotle. It was a central pillar of Aristotle’s politics that the total power exercised by an adult male over his domestic inferiors (women, children, slaves) was entirely different to political power; true human flourishing was found in public negotiation and contest with equals.<sup>51</sup> However, it was important for Ussher that domestic and political power should seem the same thing, so that obedience should be the chief action available to subjects in the political sphere. Thus, he carefully sought out those phrases in Aristotle’s Ethics and Politics which, if utterly divorced from their context, might imply that fatherly and royal power were the same.<sup>52</sup> Ussher shared this anti-Aristotelian patriarchalism with Sir Robert Filmer (whose *Patriarcha* was probably completed about 1630) and many other absolutists.<sup>53</sup> Ussher also discarded the Thomist way of speaking about natural law. Natural law did exist, was accessible to human reason, and bound all humans including kings, but Ussher was not certain whether natural law had been “written in the hearts of men” as St Paul put it (Romans

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<sup>50</sup> Ussher, Power, 11-12; Jacob Neusner (ed.), The Mishnah: A New Translation (New Haven, 1988), Abot, 3.2, p. 678.

<sup>51</sup> For this authentically Aristotelian position, see [Samuel Rutherford], Lex, Rex (London, 1644), 4-5.

<sup>52</sup> Ussher, Power, 14; Aristotle, Nicomachean Ethics, 1161a.

<sup>53</sup> Sir Robert Filmer, Patriarcha and Other Writings, ed. J. P. Sommerville (Cambridge, 1991), pp. xvi-xviii, xxxiv.

7:14-15), or delivered directly by God to humankind in the Ten Commandments, or “by just consequence deduced from the grounds of either of them.”<sup>54</sup>

Ussher’s student notebooks indicate a range of possible sources for this un-eudaimonic political vision. One notebook contains a list of authorities taught in various ethics classes during his B.A. Aquinas is on that list, but so are John Duns Scotus, John Buridan, Peter Martyr Vermigli, William Temple, and Lambert Daneau.<sup>55</sup> Scotus is especially important here: the thirteenth-fourteenth century Franciscan theologian believed that all eudaimonic ethical and political theories were useless to Christians.<sup>56</sup> The Franciscan argued that a moral action was a free action for which one was responsible and might be justly punished or rewarded, but if that action was purely the result of a natural disposition, which impelled one towards an end, then it was not free and therefore not moral.<sup>57</sup> Against Aristotle and Aquinas who believed the will was aimed at naturally impressed ends, Scotus’s account of virtue (human excellence) emphasized the free power of the will informed by right reason. Scotus’s account of natural law was also very different. Scotus ignored Aquinas’s eternal law and any talk of the agent’s end-directed nature and began with the Ten Commandments or Decalogue (Exodus 20:2-17). The first table, which comprised the first

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<sup>54</sup> Ussher, Power, 52.

<sup>55</sup> MS 782, fol. 6<sup>f</sup>, TCD.

<sup>56</sup> Hannes Möhle, “Scotus’s Theory of Natural Law,” in The Cambridge Companion to Duns Scotus, ed. Thomas Williams (Cambridge, 2003), 312-331; Bonne Kent, “Rethinking Moral Dispositions: Scotus on the Virtues,” in *ibid.*, 352-376.

<sup>57</sup> John Duns Scotus, Opus Oxoniense, book 1, distinction 17, question 2; *idem*, Opera Omnia, vol. 5, part 2, Quaestiones in Lib. I. Sententiarum, ed. Luke Wadding (Lyons, 1639), pp. 940-1, 943.

two commandments (“thou shalt have no other Gods before me,” “thou shalt not take the name of the Lord thy God in vain”) and possibly the third (“remember the sabbath day”), belonged to the natural law in the strict sense because these commandments were principles “nota ex terminis,” known on the basis of the concepts used in formulating them, or because they followed necessarily from such self-evident principles.<sup>58</sup> The second table of the Decalogue belonged to natural law in a looser sense, because its commandments accorded with the first table commandments but their opposites would not (for example, “thou shalt not kill”). Other divine commands might accord with the first table, but so might their opposites (for example, the laws on sacrifice in the Old Testament), and so they were part of divine positive law but not natural law.<sup>59</sup>

All of these arguments were available in Scotus’s commentary on Peter Lombard’s Sentences which was easily accessible to Ussher and his teachers, not least in printings edited by the Irish Franciscan Maurice O’Fihely.<sup>60</sup> Ussher thought Scotus himself

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<sup>58</sup> Scotus, Opus Oxoniense, book 3, distinction 37, question 1; idem, Opera Omnia, vol. 7, part 2, Quaestiones in Lib. III. Sententiarum, ed. Wadding (Lyons, 1639), pp. 898-899.

Catholics, Lutherans, and Calvinists each had their own slightly different ways of numbering commandments.

<sup>59</sup> Scotus, Opus Oxoniense book 4, distinction 17; idem, Opera Omnia, vol. 9, Quaestiones in Lib. IV Sententiarum, ed. Wadding (Lyons, 1639), pp. 296-7. For translations, see John Duns Scotus, Duns Scotus on the Will & Morality, ed. A. B. Wolter and W. A. Frank (Washington, DC, 1997), 195-207.

<sup>60</sup> For example, John Duns Scotus, Scriptum super Primo Sententiarum, per Mauricum de Portu Hybernicum Emendatum ([Paris], [1513]).

was Irish.<sup>61</sup> But as Bonnie Kent has established, this Scotist-inflected hostility to eudaimonic ethics was widespread, having been promoted in the very popular commentary on the Nicomachean Ethics by John Buridan (a fourteenth-century philosopher and another of the young Ussher's key authorities in ethics), which was reprinted at Oxford as late as 1637.<sup>62</sup> The Scotist ethical tradition is thus a probable source for the second part of Ussher's reflection on natural law; that such a law might be deduced from the grounds of the commandments themselves. This tradition, taught to the young Ussher in the 1590s, is also one likely source for the archbishop's generally un-eudaimonic thinking about human society.

But Ussher's political thinking was also indebted to those he listed among the 'more recent' authorities in ethics: Protestants like Peter Martyr Vermigli, William Temple, and Lambert Daneau, who believed that human reason itself was gravely compromised by the fall.<sup>63</sup> Martin Luther distrusted Classical and scholastic philosophy because he believed it taught that depraved human reason could oppose evil without the aid of the Holy Spirit. But from 1527, confronted by Anabaptists and rioting peasants, Luther's lieutenant Philip Melancthon argued that while internal, spiritual human actions related to salvation were indeed utterly depraved; nevertheless human reason, instructed by philosophy and perceiving natural law, could achieve good external, natural actions, such as civil justice and

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<sup>61</sup> MS 782 fol. 7<sup>r</sup>, TCD.

<sup>62</sup> John Buridan (Buridanus), Quaestiones super Decem Libros Ethicorum Aristotelis (Oxford, 1637), book 2, q. 5, p. 101; Bonnie Kent, "Aristotle's Ethics, Situationist Psychology, and a Fourteenth-Century Debate," History of Philosophy Quarterly 25, no. 2 (April 2008): 95-114.

<sup>63</sup> MS 782, fol. 6<sup>r</sup>, TCD.

government.<sup>64</sup> Against Aristotle and many Catholics, Melanchthon insisted that this knowledge of natural law rested on innate ideas. Aristotle had argued in the Posterior Analytics that the universal principles of knowledge were not innate, but that the power by which this knowledge was attained was innate. This position was supported by both Aquinas and Scotus against medieval Augustinians who wished to emphasize the damage done to human reason by the fall.<sup>65</sup> Melanchthon revived this Augustinian position in his Commentarius de Anima of 1540. God, Melanchthon wrote, had placed the basic principles of logic, dialectics, arithmetic, ethics, politics, and law directly into each human mind; damaged humanity could not have arrived at these principles by their own powers.<sup>66</sup> All of these positions were reflected in Vermigli's popular theology textbook first printed in 1571, and Ussher was also taught William Temple's treatment of whether virtue itself was innate.<sup>67</sup> Ussher endorsed the separation of human capacities into internal and external, and also innate ideas, in an anti-Catholic work printed in 1624. He repeated this endorsement in a

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<sup>64</sup> John Witte, Law and Protestantism: The Legal Teachings of the Lutheran Reformation (Cambridge, 2002), 89-93; Sachiko Kusukawa, The Transformation of Natural Philosophy: The Case of Melanchthon (Cambridge, 1995), 65-71.

<sup>65</sup> Aristotle, Posterior Analytics, Topica, ed. Hugh Tredennick and E. S. Forster (Cambridge, MA, 1960), 99b-100b; Aquinas, Summa Theologiae, Ia, qs. 84, 87; M. B. Ingham, The Philosophical Vision of John Duns Scotus (Washington DC, 2004), 25.

<sup>66</sup> Philip Melanchthon, De Anima, in Opera quae Supersunt Omnia, ed. C. G. Bretschneider and H. E. Bindseil 28 vols. (Halle-Braunschweig, 1834-60), 13: cols. 140-1, 143-4, 149-150; Kusukawa, Transformation of Natural Philosophy, 94-7.

<sup>67</sup> William Temple, Pro Mildapettide Unica Methodo Defensione (London, 1581), Disputatio de Ethicis, 35-45.

sermon delivered in Oxford in 1640.<sup>68</sup> This doctrine of innate ideas made it particularly easy for Protestants to interpret St Paul's reference to a natural law written on the hearts even of Gentiles (Romans 2:14-15), which caused Ussher's Catholic contemporaries rather more labor.<sup>69</sup>

The young Ussher was also taught a ferocious Calvinist critique of this moderate Protestant politics from Lambert Daneau's Ethices Christianae Libri Tres of 1577.<sup>70</sup> Daneau, a distinguished French student of John Calvin, did not distinguish between internal and external human capacities as sharply as the Lutherans, and believed that even the postlapsarian human reason relevant to political life was very gravely damaged.<sup>71</sup> Calvin himself insisted that because the human will was necessitated toward sin any insight which humans had into the natural or moral law was due to the continuing grace of God, and

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<sup>68</sup> Peter Martyr Vermigli, The Common Places, trans. Anthony Martin ([London], [1583]), part 1, chap. 2, pp. 11, 14, part 2, chap. 2, pp. 254, 256, 264, 266, chap. 3, p. 302; MS 782, fol. 6<sup>r</sup>, TCD; James Ussher, An Answer to a Challenge made by a Jesuite in Ireland (Dublin, 1624), 466; idem, Eighteen Sermons Preached in Oxford 1640, ed. Joseph Crabb, William Ball, Thomas Lye (London, 1660), 49-51.

<sup>69</sup> For example, John Punch (Poncius), Theologiae Cursus Integer ad Mentem Scoti (Lyons, 1671), 290.

<sup>70</sup> Lambert Daneau, Ethices Christianae Libri Tres (Geneva, 1577).

<sup>71</sup> Christoph Strohm, Ethik im frühen Calvinismus: Humanistische Einflüsse, philosophische, juristische und theologische Argumentationen sowie mentalitätsgeschichtliche Aspekte am Beispiel des Calvin-Schülers Lambertus Daneaus (Berlin, 1996), 11-16; Annabel Brett, Changes of State: Nature and the Limits of the City in Early Modern Natural Law (Princeton, NJ, 2011), 63-4, 71.

especially to the on-going guidance of the Holy Spirit. Humanity's best chance for understanding the moral law lay in the Decalogue, but even the second table of the Decalogue (those commandments which regulated human affairs) could not be understood without the aid of the Holy Spirit.<sup>72</sup> Daneau's Ethices elaborated these two elements, God's on-going intervention in human affairs in the person of the Holy Spirit, and the dominant place of the Decalogue in securing order among Christians, into a distinctively Reformed system of ethics. Because humans possessed a will free to sin but not free to do good, the Holy Spirit was the source of all human knowledge of the good and the honorable, even among non-Christians.<sup>73</sup> Virtue, human excellence, was not the result of careful education and long practice, but rather was the work of the Holy Spirit.<sup>74</sup> Both the philosophy of the pagans and the theology of the scholastics were likewise useless, because they were based on corrupted human reason. Christians should draw their ethics directly from the Decalogue.<sup>75</sup> For example, Daneau deduced from the second commandment on graven images that inferior magistrates like the electors of the Holy Roman Empire were obliged to destroy idols.<sup>76</sup> And Daneau developed from the fifth commandment ("honour thy father and thy mother") the position that the end of civil power was the conservation of human society in the tranquility

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<sup>72</sup> G. H. Haas, "Calvin's Ethics," in The Cambridge Companion to Calvin, ed. D. K. McKim (Cambridge, 2004), 93-105; David Steinmetz, Calvin in Context (Oxford, 1995), 28-31, 204-5.

<sup>73</sup> Daneau, Ethices, book 1, chap. 10, fols. 42<sup>v</sup>-43<sup>r</sup>, 47<sup>v</sup>, chap. 14, fol. 62<sup>r</sup>, 66<sup>r</sup>.

<sup>74</sup> Daneau, book 1, chap. 20, fol. 102<sup>r</sup>. This should not be interpreted as occasionalism, see Strohm, Ethik im frühen Calvinismus, 538.

<sup>75</sup> Daneau, Ethices, bk. 1, chap 1, fols. 1<sup>v</sup>-3<sup>v</sup>.

<sup>76</sup> *Ibid.*, bk. 2, chap. 8, fol. 150<sup>r</sup>.

necessary for a Godly life. Not only was Aristotle's eudaimonia excluded from Daneau's politics, even the ability to perceive natural law was now questionable.<sup>77</sup>

Ussher remained convinced of the value of classical philosophy, a conviction which rested on his faith in the capacity of natural, human reason to pursue the good and the honorable in political life, even if he could not subscribe to a fully Aristotelian ethics. This conviction was explicit in his major anti-Catholic work of 1624, and also in the sermons he gave at Oxford in late 1640.<sup>78</sup> The account of human society in The Power Communicated by God to the Prince was thus exceptionally minimalist by Ussher's standards. The cautious attitude to natural law (was it simply innate? Could it only be derived from the Decalogue? Could reason deduce it from the grounds of the Decalogue?) which his book adopted seems most likely a response to the pressure which Daneau's critique of classical and scholastic ethics exerted on the Reformed throughout Europe. Certainly The Power Communicated by God to the Prince was a book addressed to the most severe of Calvinist Covenanters; it aimed to win them back to obedience. One might speculate therefore that Ussher purposefully built the arguments of this book on a vision of human society congruent with that of the most severe Calvinism.

### **Ussher, Calvinist Resistance Theory, and Catholic Revolution**

Conrad Russell has established that the belief of the king's supporters in the 1640s that royal power was divinely ordained and sanctioned did not mark them out from the king's opponents; that all power of government was divine in origin was an entirely normal position

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<sup>77</sup> Ibid., bk. 2, chap. 12, fol. 197<sup>r</sup>.

<sup>78</sup> Ussher, Answer to a Challenge, 466; idem, Eighteen Sermons, 49-51.



among educated Protestants. What mattered was not whether people believed in the king's divine right, "but their views, often shaded and obscure, on the relationship between his divine right and other divine rights."<sup>79</sup> This problem is thrown into sharp relief when one considers the Calvinist resistance theorists against whom Ussher wrote The Power Communicated by God to the Prince.

The purpose of Ussher's book was to undermine Scottish resistance to Stuart power, but Ussher named no Scottish opponents in his book and did not even mention the National Covenant of 1638. Indeed the nature of Ussher's knowledge of the arguments advanced by the Scots since 1638 is unclear. The Covenant itself, drafted by Alexander Henderson and Archibald Johnston, had restricted itself to condemning the innovations introduced by Charles I's government; it assumed, but did not attempt to prove, the king's subordination to human law and thus implied that authority to enact and repeal legislation lay with the Scottish parliament. Henderson provided the relevant proofs in manuscript as "Instructions for Defensive Arms" in 1639, and this document was copied, circulated, and read from the pulpits, but not printed until 1642.<sup>80</sup> However, it was quoted in full in an anti-Covenant pamphlet by John Corbet who fled to Dublin from Scotland in 1639, and he claimed to have

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<sup>79</sup> Conrad Russell, "Divine Rights in the Early Seventeenth Century," in Public Duty and Private Conscience in Seventeenth-Century England, ed. John Morrill, Paul Slack, and Daniel Woolf (Oxford, 1993), 101-120, at 106.

<sup>80</sup> I. M. Smart, "The Political Ideas of the Scottish Covenanters, 1638-88," History of Political Thought 1, no. 2 (Summer 1980): 167-193; [Alexander Henderson], Some Special Arguments for the Scottish Subjects Lawfull Defence of their Religion and Liberty, Extracted out of the Manuscripts of One of their Chiefe Reformers ([London], 1642).

seen many manuscript copies of the “Instructions” circulating in Dublin when he arrived.<sup>81</sup> If that was the case, Ussher had presumably heard the outlines of Covenanter resistance theory from avenues other than just his communications with Radcliffe. Henderson’s argument (which he stated somewhat obliquely) was that inferior magistrates within a political community were duty-bound to defend their subjects from royal tyranny.<sup>82</sup>

The only Calvinist resistance theorist named in Ussher’s book was David Pareus, theology professor at the University of Heidelberg between 1598 and 1619. He was also Ussher’s primary opponent in the 1643 sermon, The Soveraignes Power, and the Subjects Duty. Pareus was one of the most prominent Reformed orthodox theologians of the early seventeenth century; a far more substantial opponent for Ussher than Henderson or the other Covenanters of 1638-40. Moreover, Pareus’s theology was not just widely received in the Scottish universities (partly because of his personal links with Scottish theologians) but also a mandatory part of their curricula.<sup>83</sup> In England, Pareus was notorious. In 1612, a short book containing a version of Pareus’s argument that inferior magistrates might resist tyrants (and

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<sup>81</sup> John Corbet, The Ungirding of the Scottish Armour: or an Answer to the Informations for Defensive Arms (Dublin [recte London?], 1639), sig. a3. See also Henry Leslie, Examen Conjuratonis Scotiae: sive Oratio habita Lisnegarvae, in Visitione Dioceseos Dunensis & Connoensis 26. Septemb. 1638 (Dublin, 1639); idem, A Full Confutation of the Covenant (London, 1639).

<sup>82</sup> [Henderson], Some Speciall Arguments, 3-4.

<sup>83</sup> Traudel Himmighöfer, “Pareus, David,” in Neue Deutsche Biographie, vol. 20 (Berlin 2001), 65-6; Margaret Steele, “The ‘Politick Christian’: The Theological Background to the National Covenant,” in The Scottish National Covenant in its British Context, ed. John Morrill (Edinburgh, 1990), 31-67.

so the Calvinist Frederick V, Elector Palatine, might resist his Catholic emperor) was dedicated by a German printer to King James I.<sup>84</sup> A hum of interest surrounded Pareus's political theory in the English universities thereafter, which led to his commentary on St Paul's Epistle to the Romans being burned at Oxford, Cambridge, and St Paul's Cross in London in 1622.<sup>85</sup> Ussher's 1643 sermon briefly mentioned other Calvinist resistance theorists (Theodore Beza, George Buchanan, and the author of the Vindiciae contra Tyrannos), but Pareus was a prestigious, lucid, and comprehensive primary opponent.<sup>86</sup> And picking out a dead fellow-scholar as interlocutor meant that Ussher, always sincerely concerned for Protestant unity, might hope better to avoid an ugly exchange with Covenanters like Alexander Henderson.<sup>87</sup>

Ussher and Pareus both agreed that all political power was ordained by God. These were St Paul's words in Romans 13: "Let every soul be subject unto the higher powers; for there is no power but of God, and the powers that be are ordained of God: whosoever

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<sup>84</sup> David Pareus, Quaestiones Controversae Theologicae, de Jure Regum et Principum, contra Papam Romanum, Magnum illum Anti-Christum, ed. Johannes Schönfeldius and Joachimus Ursinus (Amberg, 1612).

<sup>85</sup> G. W. Whiting, "Pareus, the Stuarts, Laud, and Milton," Studies in Philology 50, no. 2 (April 1953): 215-229; Glenn Burgess, British Political Thought, 1500-1660: The Politics of the Post-Reformation (Basingstoke, 2009), 116-7; David Owen, Anti-Pareus: sive Determinatio de Jure Regio habita Cantabrigiae in Scholis Theologicis, 19 April 1619 (Cambridge, 1622); idem, Anti-Pareus, or, A Treatise in Defence of the Royall Right of Kings (York, 1642).

<sup>86</sup> Ussher, The Soveraignes Power, and the Subjects Duty, 4, 19.

<sup>87</sup> For Ussher and the Presbyterians, see Ford, Ussher, 1-2, 164-173, 243-4, 252-5, 257.

resisteth the power, resisteth the Ordinance of God.”<sup>88</sup> But what was this power exactly, and what did it mean to say that God had ordained it? Pareus explained this very precisely:

God first instituted the right of the sword in humankind. Genesis 9:6: ‘Whoso sheddeth man’s blood, by man shall his blood be shed: for in the image of God made he man’. But the shedding of all human blood by a private person is forbidden by God: ‘thou shalt not kill’. Therefore, the bloodshed which is sanctioned by God is that which might be shed by the magistrate. And thus the power of the magistrate has been ordained by God, that is to say, he has the right of the sword from God.<sup>89</sup>

To put it a different way, all individual humans clearly possessed a right of self-defense. But the ius gladii (right of the sword), by which a magistrate might execute a criminal who had done that magistrate no personal harm, was clearly a different thing to the right of self-defense. This right (and by ius Pareus here meant a lawful subjective power, rather than an objective right at which a just man might aim, or any kind of law) was the true mark of a

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<sup>88</sup> Quoted by Ussher, Power, 2.

<sup>89</sup> ‘Deus primum instituit jus gladii in genere humano Gen.9.6 Qui effuderit sanguinem hominis, per hominem sanguis eius effundetur, quia ad imaginem Dei fecit hominem. At omnis effusio sanguinis humani per hominem privatum a Deo prohibetur: Non occides. Ergo quae a Deo sancitur, est ea quae sit per magistratum. Magistratus itaque est potestas a Deo ordinata, id est, habet ius gladii a Deo’, David Pareus, In Divinam ad Romanos S. Pauli Apostoli Epistolam Commentarius (Frankfurt, 1608), chap. 13, dubium 3, responsio 6, column 1370.

magistrate; and it could only have been granted by God.<sup>90</sup> Moreover, because Pareus and his contemporaries did not distinguish between the inside and outside of the territorial state as sharply as state-theorists of the nineteenth century and later, the ius gladii was a right of executing criminals and also a right of making war.<sup>91</sup> Pareus went on to reinforce this theory with historical examples of God instituting and deposing kings (King Saul, King David, King Rehoboam, and so on), concluding with the words of Daniel 2:21, God “removeth kings, and setteth up kings,” and Ecclesiasticus 10:8, “because of unrighteous dealings, injuries, and riches got by deceit, the kingdom is translated from one people to another.”<sup>92</sup> Ussher’s The Power Communicated by God to the Prince agreed entirely with all these doctrines. Christ himself had said to Pilate, Ussher noted, that Pilate’s power could only have come from God.<sup>93</sup> Nevertheless it was characteristic of the archbishop’s love of irony and the indirect that Pareus, “no very great friend to the supreme power of Kings,” was only brought into the book’s argument to support the position that St Peter referred to government as the “ordinance of man” (1 Peter 2:13) only with regard to the object of government, not with regard to its cause.<sup>94</sup>

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<sup>90</sup> Annabel Brett, Liberty, Right and Nature: Individual Rights in Later Scholastic Thought (Cambridge, 1997), 3-5, 50-68, 116-122; J. H. Burns, Lordship, Kingship, and Empire: The Idea of Monarchy, 1400-1525 (Oxford, 1992), 140; idem, “Jus gladii and Jurisdictio: Jacques Almain and John Locke”, Historical Journal 26, no. 2 (June 1983): 369-374.

<sup>91</sup> R. B. J. Walker, Inside/Outside International Relations as Political Theory (Cambridge, 1993), 172-179.

<sup>92</sup> Pareus, Commentarius, chap. 13, dubium 3, responsio 7, col. 1371.

<sup>93</sup> Ussher, Power, 112-113, 169-70.

<sup>94</sup> Pareus, Commentarius, chap 13, dubium 3, ratio 8, col. 1370; Ussher, Power, 6, 9.

It was when it came to their doctrine of the right of inferior magistrates to resist that Ussher relationship with his Reformed colleagues became more complex. The printed version of Ussher's 1643 sermon, The Sovereignes Power, and the Subjects Duty, contained abbreviated translations of all of Pareus's most controversial conclusions on civil government.<sup>95</sup> Inferior magistrates, Pareus wrote, might lawfully defend themselves, the commonwealth, the Church, and true religion, against the superior magistrate; and even private subjects, if threatened by a tyrant and if they could neither appeal to any established power nor flee, could lawfully defend themselves and their families from that pressing danger, as if from a private robber.<sup>96</sup> Pareus justified the resistance of lesser magistrates by arguing that superior magistrates were subject not only to divine laws but also to the human laws of their commonwealths; Deuteronomy 17:18-19 commanded the king to keep divine law, and Genesis 9:6, which prescribed the death penalty for murder, applied to tyrants just as much as robbers. Moreover, Pareus continued, the inferior magistrate no less than the superior was charged by God with the sword to defend the life and health of his subjects from atrocious injury inflicted by tyrants: superior and inferior magistrates were socii gubernationis, partners in government. The obvious text to cite in support of this argument, though curiously omitted by Pareus, was 1 Peter 2:13-14, which, after demanding submission to divinely sanctioned authority, continued 'whether it be to the king, as supreme; Or unto governors, as unto them that are sent by him for the punishment of evildoers'. This text thus distinguished between the king and his magistrates, but implied that both ruled by God's ordinance. In any case, Pareus made it clear that these lesser magistrates too were entrusted

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<sup>95</sup> Ussher, The Sovereignes Power, and the Subjects Duty, 17-19.

<sup>96</sup> Pareus, Commentarius, chap. 13, dubium 4, propositiones 2 and 4, cols. 1381-85.

with the ius gladii.<sup>97</sup> As for the lawfulness of private resistance to extreme tyranny, it seemed absurd to Pareus that Biblical injunctions to obedience should be understood to mean that the very destruction of societas humana, human society itself, must be endured without resistance.<sup>98</sup>

Ussher's position on the lesser magistrates argument derived from 1 Peter 2:13-14 took time to harden. When speaking on 1 September 1622 at the inauguration of Falkland as lord deputy, Ussher first distinguished civil from ecclesiastical power, and then explained that according to St Peter the civil officer was either supreme or subordinate. Lords deputy were just such subordinate officers, Ussher wrote in his preliminary notes, "who receive Gods sword, as well as the kings."<sup>99</sup> In 1622 then, Ussher seems to have believed that lesser magistrates received their ius gladii not just by delegation from the king, but also directly from God: this is significant because for Pareus and the Reformed Orthodox tradition generally such an independent ius gladii included the obligation to defend one's subordinates from tyranny. Writing in 1639-40, Ussher had not entirely discarded that view. He suggested that St Peter's distinction between the king (basileus) and the governors (hegemones) should be understood to be the same that the orator Dio Chrysostom made between magistracy (arkhe) and regality (basileia); the former was "a legal administration of men according to the Law," whereas the latter was "such a government as is not subject to the controll of any." And the law, as Chrysostom put it, was simply "the decree of the king."<sup>100</sup> From all this, one

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<sup>97</sup> Ibid., propositio 2, cols. 1381-4.

<sup>98</sup> Ibid., propositio 4, cols. 1384-5.

<sup>99</sup> MS Rawlinson, C. 919, p. 583, Bodl.

<sup>100</sup> Ussher, Power, 17-19; Dio Chrysostom, "The third discourse, on kingship," in Dio Chrysostom, trans. J. W. Cohoon, 5 vols. (Cambridge, MA, 1932-51), 1:103-165, at 124-5.

might expect Ussher to conclude that St Peter meant that the power of inferior magistrates was mediated through the superior magistrates and did not come directly from God. But the archbishop did not spell this out. Much later he admitted that Gregory Nazianzen, St Augustine, and Epiphanius of Salamis all clearly believed that these lesser magistrates had indeed received the ius gladii from God, even though they were still subordinate to their superiors.<sup>101</sup> Ussher finally clarified his position on divine power and the inferior magistrate in the sermon he delivered before the king in 1643. The king's power came immediately from God, and the lesser magistrates also derived their power from God, but in a mediated manner through the king. Ussher did indeed see Britain and Ireland as, in Russell's words, "a patchwork of divine rights."<sup>102</sup>

While Ussher's thinking on divine power and the inferior magistrate was developing, he resorted to a different branch of political philosophy to neutralize the inferior magistrate's power.<sup>103</sup> When speaking at the opening of Wentworth's parliament in 1634, Ussher explained to those assembled that there had to be a supreme and uncontrollable power located within every government, a power from which there could be no appeal; if there was no such power then there was no government. Ussher's example of what such anarchy looked like came from Judges 21:26: "In those dayes there was no King in Israel: every man did that which was right in his owne eyes."<sup>104</sup> This was despite the fact, Ussher said, that there were still inferior magistrates in Israel, as the same chapter mentioned the "Elders of the Congregation" (Judges 21:16), and the previous chapter stated that Phineas remained the high

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<sup>101</sup> Ussher, Power, 112-13.

<sup>102</sup> Russell, "Divine Rights," 106.

<sup>103</sup> Ussher, Power, 20-25. See also 114.

<sup>104</sup> MS Rawlinson D 1290, fols. 73<sup>v</sup>-78<sup>r</sup>, at 76<sup>v</sup>, Bodl.



priest before the ark (Judges 20:28). A supremacy of power from which there could be no appeal, Ussher went on, was essential to all government, and the formal differences between kinds of government were determined from its location. So the Swiss cantons, he explained, which were governed by magistrates might look like aristocracies but in fact were democracies deriving their authority from the people and ultimately answerable to them. As Ussher adduced further examples from Venice and Sparta, it became clear that he believed that any government that was not an absolute monarchy might as well have been anarchy.<sup>105</sup> Although the archbishop did not cite Jean Bodin either here or in his printed work, this distinctive line of argument was probably borrowed either from Bodin's Methodus ad facilem historiarum cognitionem of 1566 or the Six livres de la république of 1576, which had become well-known in Ireland through the work of Sir John Davies, the former attorney general.<sup>106</sup> Finally Ussher reached his point:

And although in this great and honourable assemblye, the Knights and Burgesses representing the whole body of the Commons bear the shew of a little Democratie among us and the Lords and Nobles as the Optimates of the kingdome, of an Aristocratie: yet are we not therfore to imagine, that ours is a mixt government, but an absolute monarchye: because the supreme authoritye resteth neither in the one nor in the other, either severallye or jointlye, but solelye in the person of the Sovereigne, by whose power they are both assembled and dissolved, and all their acts at his pleasure either allowed or disallowed. Whereupon by consent of all the States aswell of this kingdome as of the other, the oathe of Supremacy as framed:

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<sup>105</sup> Ibid.

<sup>106</sup> Ian Campbell, 'Aristotelian Ancient Constitution and Anti-Aristotelian Sovereignty in Stuart Ireland', Historical Journal, 53, no. 3 (September 2010): 573-591.

wherein the Kings highness is acknowledged to be the only supreme governour of his dominions in all causes whatsoever.<sup>107</sup>

This was a sermon which the lord deputy afterwards commended as ‘very excellent and learned’.<sup>108</sup> Ussher clearly felt these arguments were sound, as he repeated them almost exactly in The Power Communicated by God to the Prince; he probably argued similarly in his sermon before the Irish Parliament of 1640, as his book was apparently based on this sermon.<sup>109</sup> John Salmon wrote that Ussher believed the king supreme over mutable law only, which might imply that the king was not empowered to change the fundamental laws constitutive of the kingdom.<sup>110</sup> But by mutable laws Ussher meant all human positive laws; immutable law was natural law which never altered (unless altered by God) and to which the king was always subject (although punishable only by God).<sup>111</sup> Ussher stated bluntly that subjects were obliged to obey even tyrants who altered “the whole frame of the Commonwealth.”<sup>112</sup> It is a measure of the strength of Ussher’s absolutism that Ussher’s endorsement of Bodin’s sovereignty theory should be so unreserved; his fellow Calvinists in Germany were generally much more cautious.<sup>113</sup>

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<sup>107</sup> MS Rawlinson D 1290, fol. 77<sup>r</sup>, Bodl.

<sup>108</sup> The Earl of Strafforde’s Letters and Dispatches, ed. William Knowler, 2 vols. (London, 1799), 1:276.

<sup>109</sup> Ussher, Power, 26-7.

<sup>110</sup> J. H. M. Salmon, The French Religious Wars in English Political Thought (Oxford, 1959), 90-1.

<sup>111</sup> Ussher, Power, 59-60.

<sup>112</sup> Ussher, Power, 152.

<sup>113</sup> Strohm, Calvinismus und Recht, 402-6.

Ussher's conviction that royal power had by definition to be unlimited, whether by parliament or any other human institution, placed him in the mainstream of pre-war Stuart absolutism, along with writers of substantial treatises like the cleric Hadrian Saravia, King James I and VI, Sir John Davies (attorney general for Ireland), Alberico Gentili and John Cowell (regius professors of civil law at Oxford and Cambridge), Sir Francis Kynaston (esquire of the body to Charles I), the projector John Cusacke, Peter Heylin (royal chaplain and associate of Laud), Sir Robert Filmer, and, as will be argued below, Strafford's servant Sir George Radcliffe.<sup>114</sup> Thomas Hobbes was also an absolutist of a kind, but due to his unorthodox Christianity he is better treated as sui generis. Ussher added to this basic position an anti-Aristotelian patriarchalism which he shared with at least Saravia, Filmer, and Radcliffe. The determined anti-Aristotelianism which Ussher and Filmer, in particular, held in common (but independently) is remarkable: it is very prominent in Filmer's Patriarchia, composed in the late 1620s and early 1630s, and in the Observations upon Aristotles Politiques of 1652.<sup>115</sup>

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<sup>114</sup> On Saravia, see Lake, Anglicans and Puritans? pp. 135-139. On King James, Gentili, and Cowell, see J. H. M. Salmon, "Catholic Resistance Theory, Ultramontaniam, and the Royalist Response, 1580-1620," in The Cambridge History of Political Thought 1450-1700, ed. J. H. Burns (Cambridge, 1991), 219-253, at 247-249. On Cusacke, Peck, "Beyond the Pale." On Kynaston, Heylin, and Davies, see Sommerville, Patriots & Royalists, 235-238, 240-244, 245-249.

<sup>115</sup> Sir Robert Filmer, Obervations upon Aristotles Politiques (London, 1652). However, for the claim that Filmer's theory was more secular than that of other Stuart absolutists, see Cuttica, Filmer, 154, 160.

Patriarchia ascribed to both Jesuits and Calvinists the doctrine that God granted power to kings via the people, who might justly limit their king's power.<sup>116</sup> Ussher did not lump Jesuits and Calvinists or Covenanters together in this way, despite expert, first-hand knowledge of the basically Jesuit theory of revolution advanced by radical Irish Catholics. This ideology and the institutions which propagated it were established in the Spanish empire by the generation of Irish Catholics who left Ireland after the conclusion of the Nine Years War in 1603.<sup>117</sup> Philip O'Sullivan Beare and his successors developed the ideology's main line in a series of printed books, manuscript position papers, and manuscript histories published between the 1610s and the 1660s. The heart of this tradition was the contention that the kingdom of Ireland was a valid political community which possessed the power to defend itself against destruction, just as an individual might. To govern the commonwealth for the good of a narrow, Protestant faction alone was attempt its destruction. The Catholics of Ireland were thus empowered to defend their commonwealth, with or without the pope's consent, and force their king onto a just course; some authors went on to state openly that the Irish might replace their king with another. Jesuit-educated writers like O'Sullivan Beare assumed that the natural law was easily accessible to human reason, and that there was a kind of political flourishing that humans could hope to attain. The inferior magistrate went

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<sup>116</sup> Filmer, Patriarchia, 3, 5.

<sup>117</sup> For the early seventeenth century, see Benjamin Hazard, Faith and Patronage: The Political Career of Flaithrí Ó Maolchonaire c. 1560-1629 (Dublin, 2010). For the later seventeenth century, see Ian Campbell, 'Truth and Calumny in Baroque Rome: Richard O'Ferrall and the Commentarius Rinuccinianus, 1648-1667', Irish Historical Studies 38, no. 150 (November 2012): 211-229.

unmentioned.<sup>118</sup> Ussher's notebooks contain multiple sets of notes on O'Sullivan Beare's seminal version of this theory.<sup>119</sup> Moreover, when Ussher spoke before Lord Deputy Falkland at Dublin Castle in April 1627 it was O'Sullivan Beare's revolutionary theory he chose to emphasize in order to attack the efforts of the Catholic elite to secure toleration in exchange for financial subsidy.<sup>120</sup> It seems clear then that Ussher had long been convinced that Stuart royal power had to remain free from whatever legal or parliamentary obstruction that even the more moderate kind of Irish Catholics might still be capable of effecting. In the late 1630s this on-going Catholic threat was joined by a Scottish rebellion which gravely endangered episcopacy throughout the Stuart kingdoms; but The Power Communicated by God to the Prince addressed the Covenanters alone, and Ussher never confused his two sets of antagonists.

### **Ussher's Absolutism and the Viceregal Court**

Historians of seventeenth-century Ireland have long regarded the contention that Thomas Wentworth's program of government was an absolutist one as uncontroversial. The lord

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<sup>118</sup> Philip O'Sullivan Beare, Historiae Catholicae Iberniae Compendium (Lisbon, 1621), fols.

10<sup>r</sup>-11<sup>r</sup>, 57<sup>r</sup>-7<sup>v</sup>, 61<sup>r</sup>-3<sup>v</sup>, 202<sup>r</sup>, 237<sup>r</sup>-7<sup>v</sup>, 257<sup>v</sup>-8<sup>r</sup>.

<sup>119</sup> MS 568, pp. 91-4, TCD; MS Rawlinson D 1290, fols. 106<sup>r</sup>-111<sup>r</sup>, Bodl.

<sup>120</sup> Alan Ford, "James Ussher and the Godly Prince in Early Seventeenth-Century Ireland," in Political Ideology in Ireland, 1541-1641, ed. Hiram Morgan (Dublin, 1999), 203-28; idem, "Criticising the Godly Prince: Malcolm Hamilton's Passages and Consultations," in Taking Sides? Colonial and Confessional Mentalités in Early Modern Ireland, ed. V. P. Carey and Ute Lotz-Heumann (Dublin, 2003), 116-137.

deputy clearly meant to free royal power in Ireland from the guidance and restraint of the local elites, of the Irish parliament, and of the English common law. Both Hugh Kearney and Aidan Clarke argued that Wentworth demonstrated a ruthless disregard for the common law as it was traditionally employed in Ireland while seeking to recover church land, and he extended the policy of confiscation and colonization from Irish Ireland to those parts of Ireland where estates were held by English law.<sup>121</sup> Wentworth orchestrated a series of senior prerogative courts (the court of castle chamber, court of wards, commission for defective titles, court of high commission) to effect this massive increase in royal wealth and power; and Jon Crawford, although concerned to stress the long-term development of these courts, nevertheless wrote that Wentworth distorted these organs of prerogative justice into instruments of “despotism.”<sup>122</sup> Dougal Shaw has explained how Wentworth expressed this program through political ritual. Vice-regal ceremonies more elaborate than Dublin had ever seen demanded the submission of noble bodies as well as of noble wills and fortunes.<sup>123</sup> Moreover, Anthony Milton has argued that there was an absolutist tenor to the private correspondence between Wentworth, Charles I, and the king’s other ministers; the practical expression of this tenor was Wentworth’s separation of supply from the redress of grievance

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<sup>121</sup> Hugh Kearney, Strafford in Ireland, 1633-41: A Study in Absolutism (Cambridge, 1989), 69-84, 102-3, 128, 168-70, 216-222; Aidan Clarke, “The Government of Wentworth, 1632-40,” and “The Breakdown of Authority, 1640-41,” in A New History of Ireland, vol. 3, Early Modern Ireland, 243-269, 270-288.

<sup>122</sup> J. G. Crawford, A Star Chamber Court in Ireland: the Court of Castle Chamber 1571-1641 (Dublin 2005), 367-396, 415, quotation at 390.

<sup>123</sup> Dougal Shaw, “Thomas Wentworth and Monarchical Ritual in Early Modern Ireland” Historical Journal 49, no. 2 (June 2006): 331-355.

in his Irish Parliament of 1634-5, and his attempt to do the same in the English Parliament of 1640. Just as one did not bargain with God, so one did not bargain with the king.<sup>124</sup>

Wentworth told both his Privy Council in April 1634, and then both Houses on the opening day of the Irish Parliament in July 1634, that parliaments had a duty of obedience to their monarch, and that obedient parliaments should trust in the king's gracious reward. There was no question of parliament having any right in policy or administration.<sup>125</sup> In response to Milton's argument, Kevin Sharpe objected that Wentworth "wrote no new theory of state."<sup>126</sup> Perhaps this was true of Wentworth, but it was not true of Sir George Radcliffe, Wentworth's most trusted servant.<sup>127</sup>

Probably about the same time that he asked Ussher to publish a defense of royal power in the summer of 1639, Radcliffe composed his own treatise on the subject. Radcliffe's talents were prodigious. Educated at University College, Oxford, and Gray's Inn, he was as adept at deriving effective legal arguments from obscure points of medieval ecclesiastical history (such as Wentworth successfully urged against the earl of Cork), as at election

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<sup>124</sup> Anthony Milton, "Thomas Wentworth and the Political Thought of the Personal Rule," in The Political world of Thomas Wentworth, earl of Strafford, 1621-1641, ed. J. F. Merrit (Cambridge, 1996), 133-156; Strafforde's Letters, 2:389.

<sup>125</sup> Strafforde's Letters, 1:236-241, 286-290.

<sup>126</sup> Kevin Sharpe, "'Black Tom Tyrant?' Or a Man of Many Hues?" Renaissance Forum 2, no. 1 (Spring 1997), <http://www.hull.ac.uk/renforum/v2no1/sharpe.htm> (accessed May 16, 2013).

<sup>127</sup> Noted by Ford, Ussher, 225.

management.<sup>128</sup> The three-page treatise in question, “Of the originall of Government,” is bound up with other documents that passed through Ussher’s hands, and carries Ussher’s attribution to “Sir George Radcliffe” on the first page.<sup>129</sup>

Radcliffe began by arguing that God had first granted dominion, a type of moral power, to Cain (Genesis 4:7). This grant was the first distinction between governors and subjects, and meant that future instructions from governor to subject were not just rules backed by force, but laws binding in conscience. God’s grant to the governor included the power to punish disobedience with the sword. Radcliffe then reviewed the divinely ordained power of government as it operated in three kinds of human society. In domestic society, the father of the family held power over his wife, children, and servants. In ecclesiastical society, the “Fathers of the Church” held power over the lower clerical orders. And in political society, the pater patriae (father of the fatherland) held a paternal power over his good subjects, and a lordly (‘dominical’) power over those servi poenis (slaves for reason of punishment) who deserved death. That both domestic and ecclesiastical power were directly from God, Radcliffe wrote, was uncontroversial; it was political power that was the problem. Most agreed that it was from God in some sense, and here Radcliffe quoted all the usual proof texts. But some thought, Radcliffe wrote, “that the power of government, is originally and radically in the people; and from them by common consent desired to one or more, and

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<sup>128</sup> Fiona Pogson, ‘Radcliffe, Sir George (*bap.* 1593, *d.* 1657)’, in Oxford Dictionary of National Biography (Oxford, 2004), <http://0-www.oxforddnb.com.library.ucc.ie/view/article/22980> (accessed April 9, 2013); Terence Ranger, ‘Strafford in Ireland: A Revaluation’, Past & Present, no. 19 (April 1961): 26-45, at 39-40; Clarke, ‘The Breakdown of Authority, 1640-41’, 272.

<sup>129</sup> MS F 119, fols. 366<sup>v</sup>, 365<sup>r</sup>, 265<sup>v</sup>, Merthyr Mawr House.



so the people's consent, ratified by God's ordinances or approbation, is thought to be the adaequate cause of the authoritie of the Magistrate." This could not be right, he insisted, because the texts which proved God's institution clearly meant that God did more than merely approve a human institution.<sup>130</sup>

Radcliffe offered seven further reasons why the power of government could not lie originally in the people. Of these, the most important were the third, fifth, and seventh. Radcliffe's third reason was that magistracy required excellent wisdom and other virtues, but many of the people were servi a natura (slaves by nature), too stupid to own either themselves or any property.<sup>131</sup> Not naturally qualified for government, they could have no natural right to government. Radcliffe's fifth reason was that there was no evidence that God ever granted political power to any people or community, rather than to an individual. His seventh reason was that no human might take his or her own life, and neither did groups of humans have the power to take a life, but magistrates might justly kill even thieves. This "power of the sword" cannot have been communicated other than immediately from God.<sup>132</sup>

While the modern reader will be struck by the Aristotelian flourishes to his arguments (especially natural slavery), Radcliffe felt obliged to admit to his contemporary readers that the arguments he advanced (especially the identity of domestic and political power) could not be reconciled with Aristotle's Politics. But Aristotle, Radcliffe continued, was a heathen and so he was ignorant of the divine institution of political power; the Greek's views should be placed to one side. This account of government was also very different, Radcliffe wrote, to

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<sup>130</sup> MS F 119, fol. 366<sup>v</sup>.

<sup>131</sup> MS F 119, fol. 365<sup>r</sup>; Aristotle, Politics, 1254b16. For natural slavery in Protestant scholasticism, see Brett, Changes of State, 101-2, 215.

<sup>132</sup> MS F 119, fol. 365<sup>r</sup>.

those of the scholastics and modern Catholic divines. The modern Catholics to whom Radcliffe referred included Jesuit theologians like Francisco Suárez who argued that political power flowed from nature, rather than being the result of God's special action separate from creation.<sup>133</sup> Radcliffe insisted that the Catholics argued this only because either they preferred Aristotle to St Paul, or because they wished to advance spiritual monarchy (the power of the pope) and so they deprecated political monarchy. It thus served these Catholics, Radcliffe explained, to judge that spiritual monarchy was divine "both in respect of the Institution and object" but that the political was only human in both institution and object.<sup>134</sup>

Finally, Radcliffe wrote, his theory of government was very different to that of "our Protestant divines beyond seas" who had lived in states where the magistrate was opposed to Protestantism and so favored advancing the people's power in order to further the Reformation. According to Radcliffe, these divines argued that as God had not recently chosen to nominate magistrates directly (as in the Old Testament), so he acted through the people as a medium, which gave the people a causal role in the institution of magistrates. This argument was not quite the same as the one made by the Catholics, as it preserved the fundamentally divine character of magisterial power. Radcliffe responded by writing that while the proximate cause might be the people, the first cause was always God: peoples might "designe this man or that Stock to be king" during a vacancy, the nature and power of

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<sup>133</sup> Francisco Suárez, Tractatus de Legibus ac Deo Legislatore, in Decem Libros Distributus (Antwerp, 1613), bk. 3, chap. 3, p. 122; Skinner, Foundations, 2:135-173. Note that Rutherford cited Suárez respectfully on this point, see Rutherford, Lex, Rex, 2.

<sup>134</sup> MS F 119, fol. 365<sup>r</sup>-365<sup>v</sup>.

the office of king was established by God, the purpose of which was to sustain “humane societies in Peace and order.”<sup>135</sup>

Either because the treatise remained unfinished or to be discrete, Radcliffe did not take the final step and draw the conclusion that Charles I’s power was absolute, free of human control. But no other conclusion could be coherent. Radcliffe’s insistence of the necessity of the highest form of obedience for royal authority, the patriarchal nature of that authority, and his attacks on both Catholic and Protestant doctrines of limited monarchy and just resistance left absolute monarchy as the only alternative.

The similarities between Radcliffe’s theory and that of Archbishop Ussher are striking. Both theories posited a direct divine ordination for a political power which was patriarchal in nature, though Radcliffe was much more frank than Ussher in explaining the incompatibility of this with Aristotelian politics. Both saw the moment of divine institution occurring when God addressed Cain at Genesis 4.7, and both gave prominent place to the ius gladii in their explanation of what that divine institution meant. Nevertheless, Radcliffe did not address the lesser magistrate theory of resistance at all, whereas for Ussher it was a constant, nagging problem. The argument that Radcliffe attributed to continental Protestants does not seem very much like that employed by early Covenanters like Henderson. Ussher’s arguments were much more precise: he addressed himself to the fountain-head of Calvinist resistance theory; he did not argue that Presbyterians and Jesuits were all the same; and he took particular care over the theory of resistance that granted an independent divine right to lesser magistrates. These targets, arguments, and anxieties mark Ussher’s political theory as a Calvinist one. Fundamentally however, and despite Ussher’s disagreement with the Laudian

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<sup>135</sup> Ibid., fol. 365<sup>v</sup>.

religious policies of the vice-regal court, he was at one with the court on the superiority of royal power over any human law.

## Conclusion

James Ussher was not just a Calvinist whose absolutism was a functional response to a series of threats from Catholics and anti-episcopal Protestants. Rather, there was a Reformed Orthodox quality to his theory of royal power. Despite Ussher's thorough education in Aristotelian ethics and politics there was no Aristotelian eudaimonism left in his mature political theory. Further research may reveal that this antipathy to eudaimonism was common to Calvinists, or at least very frequent among them, which might explain the positive reception that the early Enlightenment received in Calvinist countries, complementing Philip Gorski's neo-Weberian thesis on the importance of Calvinism to state formation in early modern Europe.<sup>136</sup> In The Power Communicated by God to the Prince, Ussher adopted a yet more minimalist vision of human life, questioning the human ability to perceive natural law in a manner reminiscent of Lambert Daneau. Overall, this anti-Aristotelianism was the first aspect of the Calvinist quality to his political theory. Ussher's commitment to the essence of Reformed orthodox political theory, the divine institution of power, was fundamental. This left him in some difficulty when facing the problem of whether lesser magistrates were obliged to resist tyrants. Ussher's slow retreat from the position that inferior magistrates received their ius gladii directly from God (which implied that they were obliged to resist

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<sup>136</sup> Philip Gorski, The Disciplinary Revolution: Calvinism and the Rise of the State in Early Modern Europe (Chicago, 2003).

tyranny), and his remarkable obfuscation of the matter in 1640, betrayed a distinctly Calvinist anxiety: this is the second aspect of the Calvinist quality to his political theory.

Ussher's absolutism did not isolate him in 1630s Dublin: it is now clear that along with the absolutist political practice pursued by Strafford and identified by historians like Kearney, Clarke, and Crawford, the vice-regal court was also characterized by absolutist political theory. Radcliffe might only have written his views down in 1639; but Ussher, his fellow privy-councilor, had been preaching a patriarchal, Bodinian absolutism since 1634. Ussher's theory, Radcliffe's theory, and Strafford's policy and ceremony marched in step and reinforced one another: this amounts to an absolutist discourse of government in Dublin in the 1630s. Absolutists like these were perhaps a minority in early Stuart Britain and Ireland; but this particular group, at least, were an important minority. Strafford's words and deeds in Ireland were a significant solvent of trust between crown and subject in Scotland and England.<sup>137</sup> This is not to restore Stuart absolutism as a major cause of civil war, but absolutism's importance as a conceptual tool for a government that failed must no longer be in doubt.

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<sup>137</sup> Russell, Fall of the British Monarchies, 280-302; John Adamson, The Noble Revolt (London, 2007), 11.